

REMARKS

The Examiner has rejected claims 1-17 provisionally under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 09/892,044. In this regard Applicants have submitted herewith a terminal disclaimer disclaiming that portion of the application that might extend beyond the other copending application. Accordingly, this objection is no longer applicable.

The Examiner, in paragraph 5 of the official action, rejected claims 1-17 under 35 USC § 102(e) as being anticipated by Needham et al. (US 2002/0188735). Applicant respectfully submits that the Needham reference does not teach or suggest the invention as taught and claimed by Applicant. Needham is directed to a peer to peer sharing system whereby a first node, i.e. user, sends index information 22 to another individual, second node, which describes a collection in the sender's system. The index information comprises data such as file identifier, caption or title, a image thumbnail, a creation date, a creator name, file size, format type and other identifying information. This allows the recipient to later access the file on the sender's computer. See paragraphs 16 and 17.

The present invention is directed to a system that operates in a manner totally apart and distinct from that of the present invention. The claims of the present invention are directed to a method and system for managing digital image files of a user. The method and system includes a server for managing an image media collection stored on a user computer over a communication network. However, the server must first be provided with initial authorization for managing of the digital collection. Claim 1 has been amended to clearly set forth that the managing occurs by the server. Further, as clearly set forth in independent claim 1, the server controls automatic access by the server with respect to the digital image media file collection without any further authorization by the user. The independent claims have been amended to state that this occurs on a periodic basis. In the Needham reference every time the user wishes to share an image with another individual, they must send an index list in order for that person to have access to that additional image. However, in the present invention, the server has automatic access to the collection and accesses the system on a periodic basis. In the present invention, there is no requirement for any additional

user action in order for the third party to review additional images on the user computer, whereas in Needham, there must be a positive act whereby the user sends an index to the recipient. Thus, in Needham, every time an additional image is desired to be shared in the peer communication, there must be another forwarding of an additional index. The present invention eliminates the need to send multiple indexes to the peer. There is no need by the user to create or send indexes once the server has been authorized to have access to the collection. Thus, the server efficiently manages the user system. Applicant respectfully submits that the Needham reference does not teach or suggest the invention, but operates in a manner totally opposite to that of the present invention.

With regard to some of the dependent claims, claim 2 is directed to the additional step of automatically creating a copy of at least one digital image at a resolution lower than the resolution on the user computer which can be utilized by the server. There is no teaching or suggestion in the Needham reference of such a copying of a lower resolution that is to be utilized by the recipient. What is disclosed in Needham, is simply the obtaining of access to a file on the user computer. Accordingly, claim 2 is patentably distinct for this additional reason.

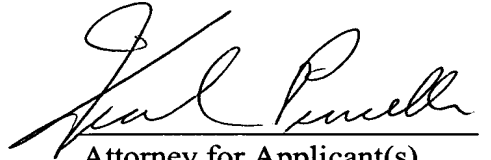
Claim 6, which is dependent upon dependent claim 2, further includes the steps of forwarding the copy to a third party. There is no teaching or suggestion that the recipient in the peer to peer is to forward any image to a third party. This is another way in which the present invention can manage the images in the collection. By allowing the server to have controlling access to the computer, it can follow instructions provided by the user so that the user need not do anything other than place the image in the collection and the managing system will do all the work necessary for accessing and providing the requested action by the user automatically without any further involvement by the user. Furthermore, referring to claim 10, which is dependent upon claim 9, instructions may be associated with the collection wherein the instructions are obtained by analyzing the digital image file with respect to predefined icons representative of the instruction. There is no such teaching or suggestion of analyzing the images to obtain predefined icons which are representative of instructions. Thus, these claims are patentably distinct for this additional reason.

New claim 18 is directed to a method similar to independent claim 1 and includes many of the same limitations set forth therein including the

authorization of the server to access image media collection on the user computer, and the automatic periodic accessing collection by the server and managing of the digital images in the collection.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.